

GIBSON, DUNN & CRUTCHER LLP  
ETHAN D. DETTMER, SBN 196046  
edettmer@gibsondunn.com  
ABIGAIL A. BARRERA, SBN 301746  
abarrera@gibsondunn.com  
ASHLEY J. HODGE, SBN 287653  
ahodge@gibsondunn.com  
ANTHONY D. BEDEL, SBN 324065  
tbedel@gibsondunn.com  
555 Mission Street, Suite 3000  
San Francisco, CA 94105  
Telephone: 415.393.8200  
Facsimile: 415.393.8306

GIBSON, DUNN & CRUTCHER LLP  
ALEXANDER H. SOUTHWELL (*pro hac vice*)  
asouthwell@gibsondunn.com  
200 Park Avenue, 48th Floor  
New York, NY 10166  
Telephone: 212.351.4000  
Facsimile: 212.351.4035

Atorneys for Defendant PLAID INC.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

IN RE PLAID INC. PRIVACY LITIGATION

Master Docket No. 4:20-cv-03056-DMR

THIS DOCUMENT RELATES TO:

## ALL ACTIONS

**DECLARATION OF ETHAN D. DETTMER  
IN SUPPORT OF DEFENDANT PLAID  
INC.'S MOTION TO DISMISS PLAINTIFFS'  
CONSOLIDATED AMENDED COMPLAINT**

## **ORAL ARGUMENT REQUESTED**

Action Filed: May 4, 2020

Judge: Hon. Donna M. Ryu

1 I, Ethan D. Dettmer, declare and state as follows:

2       1. I am an attorney duly licensed to practice law before all courts of the State of  
3 California, and I am a member of the Bar of this Court. I am a partner with the law firm of Gibson,  
4 Dunn & Crutcher LLP, counsel for Defendant Plaid Inc. (“Plaid”) in this case. I make this  
5 declaration in support of Plaid’s Motion to Dismiss Plaintiffs’ Consolidated Amended Complaint. I  
6 have personal knowledge of the matters stated herein and, if called to do so, I could and would  
7 competently testify about them.

8       2. Attached hereto as **Exhibit A** is a true and correct copy of Plaid’s End User Privacy  
9 Policy, effective December 30, 2019, available at <https://plaid.com/legal/#end-user-privacy-policy>.

10       3. Attached hereto as **Exhibit B** is a true and correct copy of Venmo’s Privacy Policy,  
11 effective June 30, 2020, available at <https://venmo.com/legal/us-privacy-policy/ios>.

12       4. Attached hereto as **Exhibit C** is a true and correct copy of Cash App’s Additional  
13 Cash Terms of Service – Annotated, effective April 16, 2019, available at  
14 <https://cash.app/legal/us/en-us/annotated-tos>.

15       5. Attached hereto as **Exhibit D** is a true and correct copy of Coinbase’s Global Privacy  
16 Policy, effective July 31, 2020, available at <https://www.coinbase.com/legal/privacy>.

17       6. Attached hereto as **Exhibit E** is a true and correct copy of a series of screenshots  
18 captured from the Venmo application under my supervision on August 31, 2020 that show the  
19 consumer experience when connecting a bank account to Venmo using Plaid Link. Venmo account  
20 and bank account balance information has been redacted.

21       7. For the Court’s convenience, below is a chart prepared under my supervision that sets  
22 forth the Plaintiffs’ claims that are time-barred based on Plaintiffs’ allegations (those with an “X”)  
23 and those that are not time-barred based on Plaintiffs’ allegations (noted with a “✓”):

Plaintiff	App Sign-Up Date	Privacy (Com. Law & CA Const.) (2 yrs.)	CFAA (2 yrs.)	SCA (2 yrs.)	Unjust Enrich. (3 yrs.)	UCL (4 yrs.)	CAPA (3 yrs.)	Deceit (3 yrs.)	CDAFA (3 yrs.)
<b>Anderson</b>	<u>2019</u> Venmo (CAC ¶ 100)	✓	✓	✓	✓	✓	✓	✓	✓

Plaintiff	App Sign-Up Date	Privacy (Com. Law & CA Const.) (2 yrs.)	CFAA (2 yrs.)	SCA (2 yrs.)	Unjust Enrich. (3 yrs.)	UCL (4 yrs.)	CAPA (3 yrs.)	Deceit (3 yrs.)	CDAFA (3 yrs.)
<b>Anderson</b>	<u>2020</u> Cash App (CAC ¶ 100)	✓	✓	✓	✓	✓	✓	✓	✓
<b>Cottle</b>	<u>Jan. 2019</u> Venmo (CAC ¶ 111)	✓	✓	✓	✓	✓	✓	✓	✓
<b>Curtis</b>	<u>Apr. 2015</u> Venmo (CAC ¶ 121)	X	X	X	X	X	X	X	X
<b>Evans</b>	<u>2016</u> Venmo (CAC ¶ 130)	X	X	X	X	X	X	X	X
<b>Mitchell</b>	<u>Aug. 2015</u> Venmo (CAC ¶ 140)	X	X	X	X	X	X	X	X
<b>Mitchell</b>	<u>Sept. 2015</u> Cash App (CAC ¶ 140)	X	X	X	X	X	X	X	X
<b>Mullen</b>	<u>Mar. 2014</u> Venmo (CAC ¶ 150)	X	X	X	X	X	X	X	X
<b>Sacks</b>	<u>June 2014</u> Venmo (CAC ¶ 159)	X	X	X	X	X	X	X	X
<b>Schoeneman</b>	<u>July 2016</u> Venmo (CAC ¶ 168)	X	X	X	X	✓	X	X	X
<b>Sotelo</b>	<u>Feb. 2020</u> Venmo	✓	✓	✓	✓	✓	✓	✓	✓

1 Plaintiff	2 App Sign-Up Date	3 Privacy (Com. Law & CA Const.) (2 yrs.)	4 CFAA (2 yrs.)	5 SCA (2 yrs.)	6 Unjust Enrich. (3 yrs.)	7 UCL (4 yrs.)	8 CAPA (3 yrs.)	9 Deceit (3 yrs.)	10 CDAFA (3 yrs.)
	(CAC ¶ 178)								
5 <b>Umali</b>	6 <b>2015</b> Venmo (CAC ¶ 188)	7 X	8 X	9 X	10 X	11 X	12 X	13 X	14 X
15 <b>Umali</b>	16 <b>2016</b> Cash App (CAC ¶ 188)	17 X	18 X	19 X	20 X	21 X	22 X	23 X	24 X
25 <b>Umali</b>	26 <b>2017</b> Coinbase (CAC ¶ 189)	27 X	28 X	29 X	30 X	31 ✓	32 X	33 X	34 X
35 <b>Yeomelakis</b>	36 <b>Mar. 2014</b> Venmo (CAC ¶ 199)	37 X	38 X	39 X	40 X	41 X	42 X	43 X	44 X

15 I declare under penalty of perjury under the laws of the United States and California that the  
 16 foregoing is true and correct, and that this declaration was executed at San Anselmo, California on this  
 17 14th day of September, 2020.

18 /s/ Ethan D. Dettmer

19 Ethan D. Dettmer